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Applicant: Mehmet C. Oz
Serial No: 09/747,558
Filing Date: December 23, 2000
For: Method and Apparatus for Circulatory Valve Repair
Enclosures: (1) Response under 37 C.F.R. § 1.111 (2 pages); (2) Acknowledgement Postcard.

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DFW

PATENT
Attorney Docket No.: 020489-000210US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

OZ, M.C.

Application No.: 09/747,558

Filed: December 23, 2000

For: METHOD AND APPARATUS
FOR CIRCULATORY VALVE
REPAIR

Customer No.: 20350

Confirmation No. 5175

Examiner: WOO, JULIAN W

Technology Center/Art Unit: 3731

January 10, 2005

RESPONSE UNDER 37 C.F.R § 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Re-examination and reconsideration of the currently pending claims in view of the following remarks are respectfully requested.

Claims 37, 38 and 40-49 are pending and were examined. Claims 37, 38, 40, 42-44 and 46-48 were rejected as being anticipated by U.S. Patent No. 5,620,452 to Yoon.

Claims 41, 45, and 49 were rejected as being obvious over Yoon. Such rejections are respectfully traversed. Claim 37, as presently drafted, reads as follows:

*"37. (Currently amended) A fastener for securing coapted valve leaflets together, said fastener comprising:
a first plate having an axial and lateral direction;*

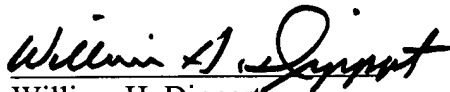
a pair of laterally spaced-apart penetrating elements on the first plate, said first plate being free of additional penetrating elements spaced axially from the pair of laterally spaced-apart penetrating elements; a second plate; and a pair of holes on the second plate arranged to receive the penetrating elements when the plates are brought together to fasten a pair of leaflets therebetween, wherein said fastener is composed of a biocompatible, non-immunogenic material."

The Examiner relies in particular on Fig. 16 of Yoon in rejecting independent claim 37. For the sake of argument, it may be assumed either two of the side-by-side penetrating elements 50 comprises the "pair of laterally spaced-apart penetrating elements" of Claim 37. With that assumption, the other two penetrating elements would comprise another pair. Claim 37, however, specifically requires that the plate carrying the penetrating elements be "free of additional penetrating elements spaced axially from the pair of laterally spaced-apart penetrating elements." As Yoon specifically teaches having at least one additional pair, Claim 37 is clearly contraindicated.

Applicants further note that Claim 42, the only other independent claim, has the identical limitation that the plate which carries the laterally spaced-apart penetrating elements be free of additional penetrating elements.

For these reasons, it is respectfully submitted that all pending claims are allowable and requested that the application be passed to issue at an early date.

Respectfully submitted,


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January 10, 2005

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